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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,437	07/05/2001	Pierre-Guillaume Raverdy	50P4432.01/1596	3370

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EXAMINER	
AMSBURY, WAYNE P	
ART UNIT	PAPER NUMBER
2171	9

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,437	RAVERDY ET AL.	
	Examiner	Art Unit	
	Wayne Amsbury	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-12,14-27,29-32 and 34-45* is/are rejected.

7)☒ Claim(s) *8,13,28 and 33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 July 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

CLAIMS 1-45 ARE PENDING

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 45 is rejected under 35 U.S.C. 102(e) as being anticipated by Faris et al (Faris), US 6.659,861, 9 December 2003.

Faris is directed to an internet-based system for enabling a time-constrained competition among a plurality of participants over the Internet [TITLE; BACKGROUND]. A variety of servers are involved in Faris, including a primary server **100** [FIG 2A] that provides an interface between databases and game servers **150** that in turn interface clients **160**.

The primary server manages a time-constrained competition in which event content includes logins of contestants, queries, timeouts, announcements, and results. Access to content is restricted at every stage and level [FIG 3A-3F].

As to **claim 45**, the objects of the invention of Faris provide for *fairly and securely enabling timed-constrained competitions over the Internet* [COL 5 line 45 and after].

Restriction is by public key access codes [FIG 3C-3F; COL 10; COL 29 lines 24-33]. Access to the Internet explicitly includes wireless access [COL 46 lines 8-11].

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 9-12, 14-23, 25, 29-32 and 34-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faris et al (Faris), US 6.659,861, 9 December 2003.

As to **claims 1, 21, 43 and 44**, which include the limitation of access code expiration, the system of Faris is explicitly time-constrained [TITLE; FIELD; OBJECTS]. Time-constrained processes are inherently constrained by an expiration time [and see COL 6 line 2]. Faris explicitly prevents access before an allotted time for a contest [COL 24 lines 50-52], but does not explicitly state that this is initiation of an access code *per se*, nor explicitly address the expiration of the access code.

However, virtually any charge card such as VISA or MASTER CARD or the like contains both an access code and an expiration date of that code. This would certainly have been well known to one of ordinary skill in the art at the time of the invention.

The expiration of such a code is directed to an event of very long duration, but the span of time during which the code may be used is not relevant to the claimed invention.

To the extent that the expiration of an access code for event content in Faris is not inherent in the use of an access code, **it would have been obvious** to one of ordinary skill in the art at the time of the invention to expire an access code at the finish time of an event because this would prevent access after the end of the constrained period and be more efficient than allowing the code to be maintained but then require trapping and restricting access with that code in at least a second step.

The elements **claims 2, 3, 14, 20 22, 23, 34 and 40** have been rejected in the analysis above and these claims are rejected on that basis.

As to **claims 5 and 25**, Faris teaches the use of voice, wireless communication and removable memories [COL 3 lines 7-15; COL 7 lines 17-47].

The elements of **claims 9-10** are rejected in the analysis above and these claims are rejected on the same basis. As to **claim 11** Faris is directed to system use by a plurality of users, such as contestants.

As to **claim 12**, the definitions of content types are set forth in the Specification beginning at page 18 line 21, where *restricted content* corresponds to content in Faris restricted to one or more contestants, *free content* to content available to all participants, and *public content* to all observers.

Much of the event data of Faris is clearly restricted in a number of ways and certainly information directed to the progress of a particular participant may need to be private, contest rules can be expected to be free, and the results at least are made public [COL 18 lines 8-18] as is the public key of the encryption mechanism.

As to **claims 15-16**, Faris does not explicitly provide configuration information to a user device, but does provide for a variety of configurations [COL 21 lines 25-45] and in particular provides for adjusting to the number of users [COL 23 lines 13-25]. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to inform a user of changes because an additional user may trigger an adjustment of the configuration. Clearly this may involve software updates. Further, the updates of FIG 4D1-4D3 involve updates that correspond to configuration information supplied to the user.

The elements of **claims 17-19, 29-32 and 35-41** are rejected in the analysis above and the general context of Faris and these claims are rejected on that basis.

As to **claim 42**, It would have been obvious to one of ordinary skill in the art at the time of the invention to sign up for future events prior to their occurrence.

3. Claims 4 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faris et al (Faris), US 6.659,861, 9 December 2003 in view of Subrahmanyam (Subram), US 5,732,214, 24 March 1998.

Subram is directed to archiving from a client (user) device to archive servers in a wide variety of ways including local area networks [COL 3 lines 11-20; COL 8 lines 18-41]. Subram does not explicitly address archiving event content *per se*, but there is no limitation placed on the intended use of the archived data in Subram, and archiving can be triggered by an event [COL 5 line 66 to COL 6 line 4; COL 9 lines 59-60]. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to archive event content upon the occurrence of an event in Subram because otherwise there is no record of which event triggered a given response.

Alternatively, Faris does not explicitly address a number of elements of practice in the art such as the use of wireless base stations, but Subram teaches these elements. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to apply the teachings of Subram to the event content system of Faris because events of interest are generated at a variety of sources that are managed with wireless base stations, direct and indirect access and the like, and it is efficient to use the known techniques of the art rather than customize the system of Faris.

As to **claim 4**, it is well known to connect wireless devices through a wireless base station and to connect to a network through a LAN, as evidenced by Subram [COL 3 lines 11-20 and elsewhere]. Subram demonstrates a variety of direct and indirect modes of access to archiving servers in FIG 1 and throughout the specification.

As to **claims 6-7**, this is a laundry list of components of systems such as those of both Faris and Subram, which inherently reside in the memory of the device involved in any particular mode of access.

Both systems are embodied in software and are inherently based on an operating system. Both involve logins and restricted access of varying degrees of sophistication, downloading and uploading. Faris explicitly notes encoded images [COL 3 lines 7-15], and Faris accommodates video cameras [FIG 9]. Subram is explicit in the use of user profiles [COL 2 lines 28-30], which inherently include metadata.

The elements of **claims 24 and 26-27** are rejected in the analysis above and the general context of Faris and Subram and these claims are rejected on that basis.

4. **Claims 8 and 28** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. [COL 3 lines 7-15],

The particular combination of elements in claim 8 as dependent on claims 7,5, and 1 including time stamped access depending on distinct event services provided after receipt of an access code is neither anticipated not suggested by the prior art of record. The analysis of claim 28 is similar and it is objected to on the same grounds.

The elements of claims 13 and 33 comprise a particular combination of features that is neither anticipated nor suggested by the prior art of record.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

WAYNE AMSBURY
PRIMARY PATENT EXAMINER